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99TH CONGRESS
2d Session

HOUSE OF REPRESENTATIVES

REPORT
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APR 17 1986

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MILANIE C. ESCOBAL NORMAN AND ANGELA DAWN NORMAN

APRIL 9, 1986.—Committed to the Committee of the Whole House and ordered to be printed

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Mr. LUNGREN, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H.R. 3577]

The Committee on the Judiciary to whom was referred the bill (H.R. 3577), for the relief of Milanie C. Escobal Norman and Angela Dawn Norman, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

The amendments are as follows:

Amend the title so as to read:

For the relief of Milanie C. Escobal Norman.

Strike all after the enacting clause and insert in lieu thereof:

That, in the administration of the Immigration and Nationality Act, Milanie C. Escobal Norman, the widow of a citizen of the United States, shall be deemed to be an immediate relative within the meaning of section 201(b) of such Act, and the provisions of section 204 of that Act shall not be applicable in this case. *Provided*, That the immigration status authorized under this Act shall only be effective if Milanie C. Escobal Norman applies to the Attorney General for such relief within two years after the date of enactment of this Act.

PURPOSE OF THE BILL

The purpose of this bill, as amended, is to grant immediate relative status to Milanie C. Escobal Norman. The amendment deletes one beneficiary who has been determined to be a U.S. citizen and conforms drafting to Committee precedents. It also provides that relief be sought within two years.

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STATEMENT OF FACTS

The beneficiary is a 33-year-old native and citizen of Philippines and widow of a U.S. citizen. She entered the United States on a fiancee visa May 24, 1980 but because the marriage occurred three days after the expiration of the visa, she was unable to obtain benefits. The U.S. citizen spouse died July 30, 1984 from a heart attack without completing a petition on her behalf. There are two U.S. citizen children, ages 7 and 3. She receives $1,500 per month social security and maintains contact with her father-in-law.

The pertinent facts in this case are contained in a letter dated January 9, 1986, from the Commissioner of the Immigration and Naturalization Service to the Chairman of the Committee on the Judiciary. That letter and accompanying memorandum read as follows:

U.S. DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, DC, January 9, 1986.

A22-726-541.

Hon. PETER W. RODINO, Jr.,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H.R. 3577) for the relief of Milanie C. Escobal Norman and Angela Dawn Norman, there is attached a memorandum of information concerning the beneficiaries.

The bill would grant the beneficiaries permanent residence in the United States as of the date of its enactment, upon payment of the required visa fees. It would also direct that visa number deductions be made.

The beneficiary, Angela Dawn Norman, acquired United States citizenship from her now deceased United States citizen father. The Committee may wish to amend the bill.

The beneficiary, Milanie C. Escobal Norman, a native and citizen of the Philippines, is chargeable to the nonpreference portion of the numerical limitation for immigrants.

Sincerely,

For the Commissioner
MARVIN T. ELY
(For Greg Leo, Director, Congressional and Public Affairs).

Enclosure.

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE H.R. 3577

The beneficiary, Milanie C. Escobal Norman, also known as Milanie Castino Escobal Norman, a native and citizen of the Philippines, was born on January 28, 1953. She resides in Joplin, Missouri with her two United States citizen daughters. She graduated with the equivalent of a high school education in Butuan City, Philippines. She is attending Franklin Technical School in Joplin, Missouri studying to be a legal secretary. The beneficiary is not currently employed. She and her two daughters receive Social

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Security Survivors benefits, currently in the amount of $1,470 per month, but will increase to $1,515 per month in January 1986. Her assets include a savings of $5,000 plus personal property including a 1984 Ford Tempo valued at an unspecified amount. She claims no significant liabilities. Her mother, father and two siblings reside in the Philippines.

The beneficiary, Angela Dawn Norman, a native of the Philippines and a citizen of the United States, was born on October 10, 1979. She is attending first grade at a Joplin, Missouri elementary school. She acquired United States citizenship through her now deceased United States citizen father, John Douglas Norman. Mr. Norman was born May 5, 1957 in Granby, Missouri and resided in the United States until joining the United States Air Force in 1977. Angela was legitimated when her father married her mother on August 27, 1980 in Dallas, Texas. The Form N-600, Application for Certificate of Citizenship, was forwarded to the primary beneficiary to be filed on Angela's behalf.

The second child, Janelle Norman, was born March 24, 1983 in Odessa, Texas and is a United States citizen.

The beneficiary, Milanie C. Escobal Norman, was admitted to the United States on May 24, 1980 as a fiancee nonimmigrant and was authorized to remain until August 22, 1980. The beneficiary and her fiance failed to enter into marriage within three months after her entry into the United States. They were married on August 27, 1980 at Dallas, Texas, five days beyond the authorized period. Due to work commitments, Mr. Norman failed to file an immediate relative visa petition in behalf of the beneficiary. On July 30, 1984, Mr. Norman suffered a heart attack and died.

The beneficiary, Milanie C. Escobal Norman, filed an application to adjust her status to that of a lawful permanent resident on November 12, 1984, which was denied on August 14, 1985. Deportation proceedings have not been instituted against the beneficiary. She is not currently eligible for any type of discretionary relief, and an immigrant visa number is not available to her at this time. The beneficiary will not become eligible for suspension of deportation until June 24, 1987.

The interested party, Jimmie Dwayne Norman, is a native and citizen of the United States, born June 11, 1933 in Quinton, Oklahoma. He presently resides in Baxter Springs, Kansas and is the father-in-law of the beneficiary. He married Bessie A. Norman (nee Davies) on January 9, 1955. It is the first marriage for both parties. There are five children from this marriage, including John, the beneficiary's deceased spouse, and they are the legal guardians of a nephew. The interested party graduated from high school in Lebanon, Missouri. He completed the Missouri Highway Patrol Academy in September 1955 and served as a trooper for ten years. He is currently employed as the

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terminal manager with Yellow Freight in Baxter Springs, Kansas earning $55,000 per year. His assets include a savings account of $1,000, IRA's of $50,000, Yellow Freight Stock valued at $8,000, Yellow Freight profit sharing worth $25,000, a cabin in Oklahoma valued at $20,000 and his home with forty acres in Baxter Springs, Kansas worth $100,000. He claims no significant liabilities.

Mr. Taylor, the author of the bill, provided the following statement in support of this legislation.

STATEMENT BY CONGRESSMAN GENE TAYLOR OF MISSOURI

I deeply appreciate the opportunity to submit testimony before this distinguished panel today and respectfully request favorable consideration of H.R. 3577, the private relief bill I introduced October 16, 1985, to grant permanent resident status to Milanie C. Norman, a constituent of mine in Joplin, MO.

Because of a series of unfortunate and tragic circumstances, this young woman, whose husband died suddenly at the age of 27 last year, and struggling to raise two small daughters aged 2 and 6, faces deportation back to her native Philippines.

John Norman and Milanie met while he was stationed at Clark Air Force Base in the Philippines. The couple fell in love and a child was born to them, Angela Dawn Norman, on October 10, 1979. John wanted to be married in the United States so, after his return in early 1980, he sent for Milanie and his infant daughter.

Milanie entered the United States on May 24, 1980, on a fiancee's visa, which required that she be married within 90 days after her arrival. Because John was settling into a new job that required him to be away from home for periods of time, Milanie and Angela stayed with John's parents until their marriage August 27, 1980—93 days after Milanie's entry into the country. Since the couple did not marry within the required 90 days, Milanie's permanent resident status could not become effected under the provisions of her fiancee visa.

Since time has a way of passing quickly when you have a young family and are trying to get established in a career, it was not until early July 1984—more than a year after the birth of his second daughter, Jenelle—that John Norman requested the forms necessary to grant Milanie permanent resident status under INS provisions for immediate relatives.

Tragically, before that application was filed with INS, John Norman died suddenly, stricken with a heart attack, July 30, 1984.

Because John's untimely death closed the last avenue for INS to grant Milanie permanent resident status, I felt it necessary to take the extraordinary step of introducing the private relief bill you now have before you.

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I have personally investigated the circumstances surrounding this case and I am convinced that this young couple did not willfully attempt to circumvent the immigration laws of this country, but were victimized by a string of untimely and unseemly circumstances.

Milanie and her daughters have been unstintingly supported in this ordeal by John's parents, Mr. and Mrs. Jim Norman and I have received countless letters of support for the family from their friends and neighbors in Joplin.

Milanie is supporting herself and her daughters on her late husband's Social Security survivor's benefits and she is currently undertaking a course of secretarial study at Franklin Technical School in Joplin where she has been enrolled since September of this year.

I hold a firm conviction that this young woman is—and will continue to be—a productive member of her community and she deserves to remain a part of it.

Mr. Chairman, thank you and the members of the subcommittee for your valuable time. I would welcome the opportunity to answer any questions you might have.

Additional information in support of H.R. 3577 is as follows:

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Commissioner
Immigration and Naturalization Service
324 East 11th Suite 1100
Kansas City, Mo. 64106

File A22 726 541

In reply to the finding of Mr. Ron Sanders, District Director of the Immigration Service at Kansas City, Missouri, whereby my status for permanent residency has been denied.

I can understand some of what Mr. Sanders is saying in his notice of Certification. However, I would like to make the following statements.

First it was never the intention of my husband nor myself to circumvent the law. My husband sent for me and our daughter for the purpose of our being married and bringing our family together.

It was our intention to get married within the prescribed time. As stated previously, my husband had started a new job and a good portion of the time prior to our getting married, me and our child stayed at the home of my husbands parents at Baxter Springs, Kansas. However, we did obtain our marriage license from the State of Texas prior to the 90 day period. Unfortunately, my husbands work commitments prevented us from getting married the same day or the next day which would have fallen within the prescribed period of time. I must admit that I am totally confused by the examples given by Mr. Sanders relating to the tolling of time whereby the counting of days was reduced to fraction of days. In the sequence of events relating to me and my husband, it should be evident that our intention was to comply with the law.

In the period of time that I have been trying to obtain the necessary status to assure that me and my two little girls, who are American Citizens, can remain in the country that my husband would have wanted his family raised in. I couldn't help but observe the apparent compassion shown by the Immigration Service and reported by the news services relating to the admitting of scores of aliens and granting of permanent status when they had no circumstantial ties as through an American husband and children that are American Citizens whatsoever.

Unfortunately the law permits circumvention of the intent, whereby aliens are granted permanent status through Marriages for money and for ultimate purposes of prostitution, but will not permit a compassionate act for a widow with two small girls who are citizens of the United States. My husbands marriage to me was for our love of each other, and for the love of our little girl.

It has been suggested that to solve this problem that I should remarry an American Citizen, or that I shouldn't worry too much, because if I did have to leave the United States that it would not mean that my two girls would also have to go. These are not very comforting suggestions for someone who has lost her husband that she dearly loved and for the children that she loves so much.

I respectively request that I be given the opportunity to raise my children in the United States of American and someday be given the priviledge of becoming a Citizen of this great country.

Sincerely,

Melanie Norman

Subscribed and sworn to before me this 23 day of August, 1985

My Commission Expires December 23 1988 Notary Public

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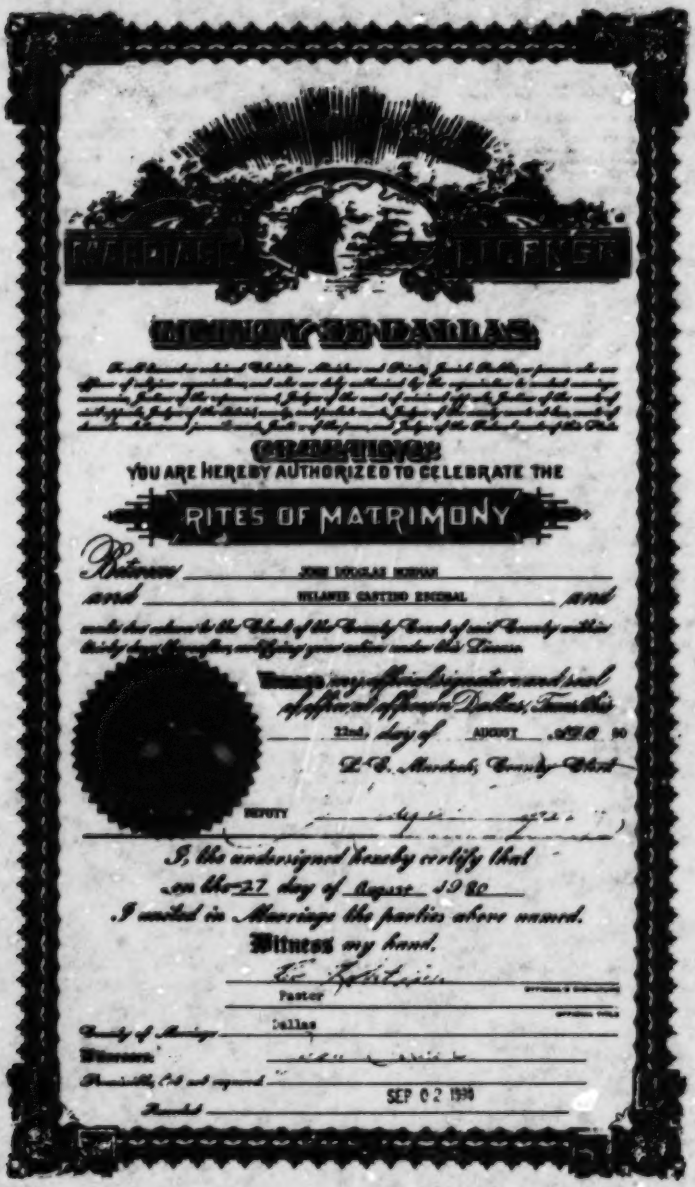

MARRIAGE LICENSE

STATE OF TEXAS

To any Minister of the Gospel, Priest, Rabbi, Justice of the Peace, Mayor, Judge of any Court of Record, or any Clerk of a Court of Record, Greeting:

YOU ARE HEREBY AUTHORIZED TO CELEBRATE THE

RITES OF MATRIMONY

between JOHN DOUGLAS NORMAN and MELANIE CASTINO ESCOBAL and make due return to the Clerk of the County Court of said County within thirty days thereafter, certifying your action under this License.

Witness my official signature and seal of office at Dallas, Texas this 22nd day of AUGUST A.D. 19 90

L. C. Marshall, County Clerk

DEPUTY

I, the undersigned hereby certify that on the 27 day of August 19 90 I united in Marriage the parties above named.

Witness my hand.

Pastor

County of Marriage Dallas

Witness

Recorded, Vol. and page

Recorded SEP 02 1990

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THIS LICENSE WILL BECOME INVALID AND OF NO EFFECT UNLESS THE MARRIAGE BE SOLEMNIZED WITHIN TWENTY-ONE (21) DAYS FROM THE DATE OF THE MEDICAL EXAMINATION—EXCEPT WHEN REQUIREMENT FOR MEDICAL EXAMINATIONS ARE WAIVED BY AN ORDER OF A COURT AS PROVIDED BY TITLE 1 OF THE FAMILY CODE, ACTS OF THE 61ST TEXAS LEGISLATURE, REGULAR SESSION 1969

Date of medical examination of Male 8-19- 19 80

Date of medical examination of Female 8-19- 19 80

Date of court ordering waiving requirement as to medical examination 19

I HEREBY CERTIFY that previous to the issuance of this license there has been filed in my office the physician's certificate of medical examination of each applicant on the form as prepared by the Texas State Board of Health (or the alternate court order waiving the requirement as to medical examination), all as required by Title 1 of the Family Code, Acts of the 61st Texas Legislature, Regular Session 1969.

WITNESS my official signature this the 22nd day of AUGUST 19 80

DEPUTY ARDYPYLES L. F. MURDOCH, County Clerk

DATE OF BIRTH OF MALE 5-4-57 PLACE OF BIRTH OF MALE CRANBY, MO.

DATE OF BIRTH OF FEMALE 1-28-53 PLACE OF BIRTH OF FEMALE LEYTE, PHILIPPINES

Returned and filed for record day of SEP 02 1980 A.D.
and recorded the day of SEP 02 1980 A.D.
By L. F. Murdoch, County Clerk

160543

No

Marriage License

Return Address

MR & MRS. JOHN DOUGLAS HORMAN
307 WEST 4th.ST. # 8
IRVING,TX. 75060

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U.S. DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Kansas City, MO, November 6, 1984.

KAN 76/27.9 (1).
A22-726-541 (T-2).

Hon. GENE TAYLOR,
Federal Building, Joplin, MO.

DEAR CONGRESSMAN TAYLOR: Reference is made to your inquiry of October 18, 1984 concerning an application for status as a permanent resident for Milanie Castino Escobal.

A review of the record indicates that Milanie Castino Escobal entered the United States on May 24, 1980 as the fiancee of a United States Citizen.

Section 214(d) of the Act, in pertinent part, states:

". . . It (Fiancee Visa Petition) shall be approved only after satisfactory evidence is submitted by the petitioner to establish that the parties have a bona fide intention to marry and are legally able and actually willing to conclude a valid marriage in the United States within a period of *ninety* days after the alien's arrival. In the event the marriage with the petitioner does not occur within three months after the entry of the said alien and minor children, they shall be required to depart from the United States and upon failure to do so shall be deported in accordance with sections 242 and 243. In the event the marriage between the said alien and the petitioner shall occur within three months after entry and are found otherwise admissible, the attorney general shall record the lawful admission for permanent residence of the alien . . ." (Parenthetical emphasis added.)

The record clearly establishes that Mrs. Norman failed to marry the petitioner within the required ninety day period, thereby failing to establish her eligibility to file for adjustment of status as stated above.

Title 8, Code of Federal Regulations, part 245.2(a)(2), in pertinent part, states:

"(a) FILING APPLICATION.—Before an application for adjustment of status under section 245 of the Act may be considered properly filed, a visa number must be immediately available . . ."

Title 8, Code of Federal Regulation part 245.2(d), in pertinent part, states:

"An application for permanent resident status pursuant to section 214 (d) of the Act shall be filed on Form I-485 with the district director having jurisdiction over the applicant's place of residence. . . The applicant shall be notified of the decision and, if the application is denied, of the reasons therefore. No appeal shall lie from the denial of an application by the district director but such denial shall be without prejudice to the alien's right to renew his application in proceedings under Part 242 of this chapter . . ."

Title 8, Code of Federal Regulations, part 103.7 (a), in pertinent part, states:

"Fee prescribed within the framework of 31 U.S.C. 483a shall be submitted with any formal application or petition prescribed in this chapter and shall be in the amount prescribed by law or regulation . . ."

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Title 8, Code of Federal Regulations, part 103.2 (a), in pertinent part, states:

"GENERAL.—Every application, petition, or other document submitted on a form prescribed by this chapter shall be executed and filed in accordance with the instructions contained on the form, such instructions being hereby incorporated into the particular section of the regulations requiring its submission . . ."

I sincerely regret that Mrs. Norman's application for adjustment of status to permanent resident alien can not be accepted for processing. The basis for the instant application was the marital relationship created ninety-three days after her admission as a fiancee (K-1). Unfortunately, the fact that the marriage did not occur within a period of ninety days after her arrival rendered her statutorily ineligible to apply. Therefore, the instant application is hereby returned. It is also worth noting that the application was not submitted in its entirety and was not accompanied by the required fee and supporting documentation.

Sincerely,

WILLIAM F. SKIDMORE,
Acting District Director.

BUDGETARY INFORMATION

This legislation does not provide new budget authority and no estimate or comparison has been received from the Director of the Congressional Budget Office.

OVERSIGHT STATEMENT

The Committee exercises general oversight jurisdiction with respect to all immigration and nationality matters but no specific oversight is contemplated in this instance.

COMMITTEE RECOMMENDATION

Upon consideration of all the facts in this case, the Committee is of the opinion that H.R. 3577, as amended, should be enacted and accordingly recommends that the bill do pass.

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